THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P. LAKSHMANA REDDY

WEDNESDAY, THE THIRD DAY OF AUGUST

TWO THOUSAND AND FIVE

WRIT APPEAL NO : 765 of 2005

Between:

O.P. Chavan ..Appellant

And

1. M/s. Bharat Sanchar Nigam Limited rep., by

its Chief General Manager, Nampally Station Road,

Abids, Hyderabad and two others .. Respondents.

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

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WRIT APPEAL NO : 765 of 2005

JUDGMENT: (Per Hon'ble Smt. Justice T. Meena Kumari)

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This writ appeal is filed by the appellant/writ petitioner aggrieved by the order, dated 14.3.2005 in W.V.M.P.No.443 of 2005 and WPMP No.29540 of 2004 in W.P.No.22499 of 2004, under which the learned Single Judge vacated the stay granted on 7.12.2004.

The appellant herein is the writ petitioner.

Originally, the writ petition was filed seeking a direction, in the nature of writ of Mandamus, declaring the letter No.C-6/TYPE IV/K.S.Lane/2004-2005/23 dated 30.11.2004 issued by the 2nd respondent as illegal and to quash the same by

holding that the petitioner is entitled to retain the Staff Quarter No.C-6, Type-IV, K.S. Lane, Hyderabad in his occupation till the date of his superannuation on 31.3.2006. While admitting the writ petition, on 07.12.2004, the learned Single Judge granted interim stay of operation of the letter impugned, on condition of the petitioner depositing half of the amount as demanded in the notice, within a period of eight weeks from that day. Thereupon, the respondents filed an application in W.V.M.P.No.443 of 2005 seeking to vacate the stay granted by the learned Single Judge. The learned Single Judge having observed that the petitioner has not complied with the conditional order of interim stay, vacated the stay. Hence, the writ appeal.

The learned Counsel for the writ petitioner contends that if the stay does not subsist till the writ petition is disposed of, the letter impugned will come into operation, and that there is every possibility of evicting the petitioner from the quarters in question, and therefore, the order of the learned Single Judge is liable to be set aside.

Heard the learned Counsel on record and perused the material available on record.

On a perusal of the record, it is apparent that while admitting the writ appeal, this Court granted interim suspension on condition of the petitioner complying with the order of the learned Single Judge dated 7.12.2004 in WPMP NO.29540 of 2004. It is brought to the notice of this Court that the said condition has been complied with. It shows bonafides on the part of the writ petitioner. At this stage, if the stay is vacated, the respondents will proceed to get the petitioner evicted from the quarters and then, the purpose of filing the main writ petition will be defeated.

Having regard to the above facts and circumstances, we allow the writ appeal. Consequently, the interim suspension granted by this Court on 21.3.2005 is made absolute. However, the Registry is directed to post the writ petition for final hearing, immediately after Dasara Vacation, 2005. No order as to costs.

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Justice T. Meena Kumari

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Justice P. Lakshmana Reddy

Date: 3rd August, 2005

Nn.